

### EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on November 19, 2010, Lisa M.W. Hillman, Ph.D. requested an extension of time for 1 MONTH(S) additional and authorized the Director to charge Deposit Account No. 13-2490 the required fee of \$180.00 (\$245.00 - \$65.00) for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims

1. (Examiner Amended) A composition comprising: one or more biologically ~~purified~~ *mutans streptococci* strains selected from the group consisting of *Streptococcus rattus*, *Streptococcus rattus* strain JH145, *Streptococcus rattus* JH145 (ldh, str), *Streptococcus cricetus*, *Streptococcus mutans*, *Streptococcus sobrinus*, *Streptococcus downei*, *Streptococcus macacae*, and *Streptococcus ferus*, wherein ~~the said~~ *mutans streptococcus* strains are lactate dehydrogenase-deficient; ~~one or more~~ a biologically ~~purified~~ *Streptococcus oralis* strains PTA-11407; and ~~one or more~~ a biologically ~~purified~~ strains of *Streptococcus uberis* strain PTA-11408.
3. (Canceled by Examiner Amendment)
5. (Examiner Amended) The composition of claim 1, wherein the one or more biologically ~~purified~~ *mutans streptococci* strains are naturally-occurring mutants that are lactate dehydrogenase-deficient or are genetically modified strains that are lactate dehydrogenase-deficient.

Art Unit: 1651

9. (Examiner Amended) A food composition comprising the composition of claim 1: ~~one or more biologically purified isolated mutans streptococci strains, wherein the mutans streptococci strains are lactate dehydrogenase deficient, one or more biologically purified isolated Streptococcus oralis strains and one or more biologically purified isolated strains of Streptococcus uberis.~~

10. (Canceled by Examiner Amendment)

11. (Examiner Amended) The composition of claim 1, wherein the one or more biologically ~~purified~~ *mutans streptococci* strains are naturally-occurring mutants that are lactate dehydrogenase-deficient or are genetically modified strains that are lactate dehydrogenase-deficient.

13.(Examiner Amended) A dentifrice, oral rinse, chewing gum, lozenge, or topical agent composition comprising the composition of claim 1: ~~one or more biologically purified isolated mutans streptococci strains, wherein the mutans streptococci strains are lactate dehydrogenase deficient, one or more biologically purified isolated Streptococcus oralis strains and one or more biologically purified strains of Streptococcus uberis.~~

14. (Canceled by Examiner Amendment)

15. (Examiner Amended) The composition of claim 13, wherein the one or more biologically ~~purified~~ *mutans streptococci* strains are naturally-occurring mutants that are lactate dehydrogenase-deficient or are genetically modified strains that are lactate dehydrogenase-deficient.

20. (Examiner Amended) The method of claim 17, wherein maintaining oral health comprises the treatment, ~~prevention or both treatment and prevention~~ of periodontitis, dental caries, *Candida* or fungal overgrowth, halitosis, xerostomia-induced dental caries or periodontal disease, oral bacterial infections, oral bacterial disease, oral wounds or a combination thereof.

21. (Examiner Amended) A method of ~~non-persistently~~ colonizing an oral cavity of a subject with therapeutically-effective bacteria comprising administering to the oral cavity of the subject the composition of claim 1 a ~~combination comprising: one or more biologically purified mutans streptococci strains, wherein the mutans streptococci strains are lactate dehydrogenase-deficient, one or more biologically purified isolated Streptococcus oralis strains and one or more biologically purified isolated strains of Streptococcus uberis.~~

Art Unit: 1651

22.(Examiner Amended) The method of claim 21, wherein the composition combination is administered to the subject about once a day, about once a week, or about once a month.

28. (Canceled by Examiner Amendment)

29. (Canceled by Examiner Amendment)

30. (Examiner Amended) The method of claim 17, wherein the composition is administered to the subject about one ~~time, two times~~ or more times per day.

31. (Canceled by Examiner Amendment)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE K. WARE whose telephone number is (571)272-0924. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DKW/

Deborah K. Ware

Examiner

Art Unit 1651

/David M. Naff/

Primary Examiner, Art Unit 1657